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EXAMINER
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Applicant argues that Leedle et al. reference does not disclose or suggest all elements of the presently claimed invention as a whole, since Leedle et al. do not disclose that their strain 407A definitely belongs to a *M. elsdenii* species.

However, Leedle et al. teach a biologically pure bacterial culture of *M. elsdenii* (see claim 1). Leedle et al. also teach the characteristics of isolate 407A are more comparable with the taxonomy of *M. elsdenii*, and there may not be enough evidence at this point to support that 407A is other than a new strain of *M. elsdenii* (column 14, lines 64-66).

Leedle et al. teach the bacterium consumes lactic acid, is resistant to monensin (ionophore), lasalocid, and low pH (5.3) (column 2, lines 27-30), ability to utilize 80% of lactate in the presence of sugars (column 8, lines 36-38), and a composition and a method for facilitating the adaptation of ruminants from a roughage-based diet to high energy concentrate-based diet (see abstract and column 1). Leedle et al. further teach strains were selected for further evaluation as potential acute acidosis preventatives based on the results of the in vitro lactic acid acidosis tests, strain growth rates, and MIC (minimal inhibitory concentration) data (column 12, lines 10-13).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to use the teachings and the method of Leedle et al. in order to obtain a biologically pure bacterial culture of *M. elsdenii* and provide a composition comprising a biologically pure bacterial culture of *M. elsdenii* and administering an effective amount of that composition to the rumen of a ruminant for the treatment of ruminal lactic acidosis. One would have been motivated to do so, since at the time the invention was made, lactate-degrading abilities of several strains of *M. elsdenii* and the method for isolating such strains were very well known in the art, also several strains of *M. elsdenii* were being used for the same purpose. Moreover, as taught by Leedle et al. comparison of *M. elsdenii* strains growth curves and consumption of lactate and glucose showed that all strains grew faster or at a faster rate than other rumen bacteria, therefore their faster growth rates might enable them to better compete in the rumen, thus one would have been motivated to obtain a strain of *M. elsdenii* which has a faster growth rate on lactic acid.

Further more, Applicant's specific amendments to claim 1 raise issues that would require further consideration and search.